

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7349

Petition of Green Mountain Power Corporation for a )  
certificate of public good, pursuant to 30 V.S.A. )  
Section 248, for authority to relocate a portion of its )  
34.5 kV transmission line on land owned by Moretown )  
Landfill, Inc., in Moretown, Vermont )

Hearing at  
Montpelier, Vermont  
May 7, 2008

Order entered: 6/10/2008

PRESENT: Edward McNamara, Esq., Hearing Officer

APPEARANCES: Harriet Ann King, Esq.  
King & King  
for Green Mountain Power Corporation

David Englander, Esq.  
for Vermont Agency of Natural Resources

Laura Scanlan Beliveau, Esq.  
for Vermont Department of Public Service

**I. INTRODUCTION**

This case involves a petition filed by Green Mountain Power Corporation ("GMP") requesting a certificate of public good under 30 V.S.A. § 248 to relocate a portion of its 34.5 kV line on land owned by Moretown Landfill, Inc. ("Moretown Landfill"). In this Proposal for Decision, I recommend that the Public Service Board ("Board") approve the petition and issue a certificate of public good to that effect.

**II. PROCEDURAL HISTORY**

GMP filed its petition on September 17, 2007.

A prehearing conference was held on November 15, 2007.

A site visit was held on December 6, 2007.

A public hearing was held on December 10, 2007. No member of the public made comments at the public hearing. One adjoining landowner was present at the public hearing, but chose not to make any statements.

On March 31, 2008, GMP filed supplemental prefiled testimony that altered the route of the proposed relocation.

A technical hearing was held on May 7, 2008. The parties submitted a Stipulation at the hearing that included a draft order.

### **III. FINDINGS**

Based upon the evidence of record and the testimony presented at hearing, I hereby report the following findings to the Board in accordance with 30 V.S.A. § 8.

1. Moretown Landfill is planning to expand its landfill, located in Moretown, Vermont, by approximately 20 acres. Currently a portion of GMP's 34.5 kV 3312 transmission line is located in the area of the proposed landfill expansion. Kearney pf. at 2.

2. Currently, the GMP line enters the landfill property from the southeast, crosses a Vermont Electric Power Company, Inc. ("VELCO") right-of-way, continues heading northwest approximately another 1,200 feet, and then veers to the west across the landfill property. GMP is proposing to redirect the 34.5 kV line to the west at the VELCO right-of-way, for approximately 2300 feet, and then run the line to the north for approximately 1400 feet to rejoin the current location of the line. GMP-PK revised exh. A (topographic map).

3. Approximately 2300 feet of the relocation will involve placement of GMP's 34.5 kV line parallel and within the VELCO right-of-way. The 34.5 kV line will be located 25 feet from the northerly edge of the VELCO right-of-way. An additional easement of 25 feet will be required on the property which abuts the right-of-way on the north to provide the 100-foot-wide corridor for the GMP line. GMP has obtained an agreement for that easement. The shared right-of-way will reduce the need for clearing and additional road construction to access the GMP line, as

GMP will be able to utilize VELCO's existing access to the right-of-way for construction and maintenance. Kearney supp. pf. at 2; GMP-PK revised exh. A.

4. The westerly portion of the relocated line will utilize an existing woods road for construction and maintenance. The road will be improved but will continue to closely follow the existing grades. A distribution line is currently located along some length of this woods road. Lefavour pf. at 5.

5. The capacity of the transmission line will remain the same as similar size wire will be used with an equivalent amperage rating. The new line will be built with wood poles and cross-arms, similar to the existing line. The pole heights for the relocated GMP line will increase from the existing 35 feet to generally between 45 and 55 feet. Kearney pf. at 3.

6. Moretown Landfill will reimburse GMP for all costs associated with the project. Kearney pf. at 3.

7. The project is contingent on receipt by Moretown Landfill of all necessary permits for the landfill expansion. Kearney pf. at 4.

### Discussion

At the technical hearing, Board staff raised the issue of whether the distribution line along the westerly portion of the relocated line could be colocated on the transmission line structures. This colocation would result in only one set of poles rather than two, and would reduce the amount of clearing required. GMP indicated that it would not object to colocating these two lines provided that the pole heights in this area would be allowed to increase by approximately ten feet to allow for appropriate clearances.<sup>1</sup> I recommend that the Board require GMP to colocate the transmission and distribution lines for this portion of the project. If GMP concludes, after further analysis, that there are impediments to this colocation, GMP should be allowed to request that this requirement be removed.

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1. Tr. 5/7/08 at 15-16 (Kearney). The ten-foot increase in pole heights for colocation of the distribution line is in addition to the increase in pole heights described by the petition. The total pole heights for this section would be 55 to 65 feet.

**Orderly Development of the Region**

[30 V.S.A. § 248(b)(1)]

8. The project will not unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of the municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality. This finding is supported by findings 9 through 11, below.

9. GMP provided advance notice of the project to the Town of Moretown Planning Commission and the Central Vermont Regional Planning Commission. No comments objecting to the project were filed by these entities. Kearney pf. at 4; Kearney supp. pf. at 3.

10. The project will not have adverse aesthetic impacts. Viamari pf. at 2-3; Viamari supp. pf. at 2.

**Need for Present and Future Demand for Service**

[30 V.S.A. § 248(b)(2)]

11. The project is required to meet the need for present and future demand for service which could not otherwise be provided in a more cost-effective manner through energy conservation programs and measures and energy efficiency and load management measures. The project is required to accommodate the expansion of the Moretown landfill. This need could not be addressed through conservation, efficiency, or load management measures. Kearney pf. at 5; Kearney supp. pf. at 3.

**System Stability and Reliability**

[30 V.S.A. § 248(b)(3)]

12. The project will not adversely affect system stability and reliability. The increased pole heights will increase reliability by decreasing the likelihood of a tree damaging the line. Kearney pf. at 5; Kearney supp. pf. at 3.

**Economic Benefit to the State**

[30 V.S.A. § 248(b)(4)]

13. The project will provide an economic benefit to the state by accommodating the expansion of the Moretown landfill without impacting GMP ratepayers. Kearney pf. at 5-6; Kearney supp. pf. at 3.

**Aesthetics, Historic Sites, Air and Water Purity,  
the Natural Environment and Public Health and Safety**

[30 V.S.A. § 248(b)(5)]

14. The modifications as proposed will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment and public health and safety. This finding is supported by findings 15 through 40 below, which are the criteria specified in 10 V.S.A. §§ 1424(a)(d) and 6086(a)(1)-(8)(a) and (9)(k).

**Outstanding Resource Waters**

[10 V.S.A. § 1424(a)(d)]

15. The project site is not located near any outstanding resource waters. Kearney pf. at 6; Kearney supp. pf. at 3; LeFavour pf. at 2; Lefavour supp. pf. at 2.

**Water and Air Pollution**

[10 V.S.A. § 6086(a)(1)]

16. The project will not result in undue water or air pollution. This finding is supported by findings 17 and 18, below.

17. Appropriate erosion control measures will be taken during construction of the project. LeFavour pf. at 2; Lefavour supp. pf. at 2; Kearney pf. at 6; Kearney supp. pf. at 3.

18. Dust control measures will be undertaken during construction, including spraying water, sweeping paved access roads, and spreading calcium chloride, as required. Lefavour pf. at 2; Lefavour supp. pf. at 2; Kearney pf. at 6-7; Kearney supp. pf. at 3.

**Headwaters**

[10 V.S.A. § 6086(a)(1)(A)]

19. The project is not located in a headwaters area. Lefavour pf. at 3; Lefavour supp. pf. at 2; Kearney pf. at 7; Kearney supp. pf. at 3.

**Waste Disposal**

[10 V.S.A. § 6086(a)(1)(B)]

20. The project will meet applicable health and environmental conservation department regulations for the disposal of wastes and will not involve the injection of waste materials or any harmful or toxic substances into groundwater or wells. Kearney pf. at 7; Kearney supp. pf. at 3.

**Water Conservation**

[10 V.S.A. § 6086(a)(1)(C)]

21. The project will not utilize water, other than that used for dust control during construction. Lefavour pf. at 3; Lefavour supp. pf. at 2; Kearney pf. at 7; Kearney supp. pf. at 3.

**Floodways, Streams, and Shorelines**

[10 V.S.A. §§ 6086(a)(1)(D)(E) &(F)]

22. The project is not located within a floodway or near any streams or shorelines. Lefavour pf. at 3; Lefavour supp. pf. at 2; Kearney pf. at 7-8; Kearney supp. pf. at 3.

**Wetlands**

[10 V.S.A. § 6086(a)(1)(G)]

23. The project will not affect any wetlands. Lefavour pf. at 3; Lefavour supp. pf. at 2; Kearney pf. at 8; Kearney supp. pf. at 3.

**Sufficiency of Water and Burden on Existing Water Supply**

[10 V.S.A. §§ 6086(a)(2)&(3)]

24. The project will only use water during construction, to control dust; accordingly, the project will not burden existing water supplies. Lefavour pf. at 4; Lefavour supp. pf. at 2; Kearney pf. at 8; Kearney supp. pf. at 3.

**Soil Erosion**

[10 V.S.A. § 6086(a)(4)]

25. The project will not result in unreasonable soil erosion or reduce the ability of the land to hold water. This finding is supported by findings 26 through 28, below.

26. Soil disturbance will be limited to setting poles and constructing necessary access roads. Kearney pf. at 6; Kearney supp. pf. at 3.

27. The access road for the westerly portion of the relocated line will be developed with water bars to divert runoff from the roadway and return it to its natural overland course, and will have a grass and other vegetated surface. Stone fill may be used at culverts and other locations to prevent soil erosion. Disturbed areas will be protected in accordance with the Vermont Low Risk Site handbook. Lefavour pf. at 5; Lefavour supp. pf. at 2.

28. The project will utilize appropriate erosion-control measures, such as mulching, seeding, and silt fencing. Lefavour pf. at 2-5; Lefavour supp. pf. at 2; Kearney pf. at 6 and 8; Kearney supp. pf. at 3.

**Transportation Systems**

[10 V.S.A. § 6086(a)(5)]

29. The project will not cause unreasonable congestion or unsafe conditions with respect to transportation systems. There will be a small increase in traffic on Route 2 during construction. Kearney pf. at 9; Kearney supp. pf. at 3; Lefavour pf. at 4; Lefavour supp. pf. at 2.

**Educational Services**

[10 V.S.A. § 6086(a)(6)]

30. The project will not impact educational services. Kearney pf. at 9; Kearney supp. pf. at 3.

**Municipal Services**

[10 V.S.A. § 6086(a)(7)]

31. The project will not impact municipal services. Kearney pf. at 9; Kearney supp. pf. at 3.

**Aesthetics, Historic Sites  
and Rare and Irreplaceable Natural Areas**

[10 V.S.A. § 6086(a)(8)]

32. The project will not have an undue adverse impact on the scenic or natural beauty of the area, or upon aesthetic, historic sites or rare and irreplaceable natural areas. This finding is supported by findings 33 through 37, below.

33. The new poles will be of the same type of construction as currently exists, although the pole heights will generally be 45 to 55 feet in height. The existing poles are 35 feet tall. Viamari pf. at 2-3; Viamari supp. pf. at 2; Kearney pf. at 3, 9-10; Kearney supp. pf. at 3.

34. If the distribution line along the westerly portion of the relocated line were colocated with the transmission line it would raise pole heights by an additional ten feet above the height described in the petition. Tr. 5/7/08 at 16 (Kearney).

35. The project will be located in an area with limited views from Interstate 89 and Route 2. The increase in pole heights would not have an adverse aesthetic impact. Viamari pf. at 3; Viamari supp. pf. at 2; tr. 5/7/08 at 6-9 (Viamari).

36. The project will not impact historic sites. Viamari pf. at 2; Viamari supp. pf. at 2.

37. The project will not impact any rare and irreplaceable natural areas. Viamari pf. at 2; Viamari supp. pf. at 2.

**Discussion**

In this Proposal for Decision I recommend that GMP colocate the distribution line along the westerly portion of the relocated line. This colocation would result in an increase in pole



heights of approximately ten feet above the pole heights described in the petition. However, the advantages of collocating the distribution line with the 34.5 kV line, including decreased right-of-way clearing, would outweigh the minimal aesthetic impact of the increase in pole heights in this area.

### **Necessary Wildlife Habitat and Endangered Species**

[10 V.S.A. § 6086(a)(8)(A)]

38. The project will not impact any endangered species. Viamari pf. at 3; Viamari supp. pf. at 2-3.

39. The project will impact some deer wintering habitat. However, this impact is being mitigated through the acquisition of the development rights on property with a similar deer yard and placing that property under a conservation easement. For each acre of deer wintering habitat impacted, three acres will be conserved. Viamari supp. pf. at 3; tr. 5/7/08 at 5-6 (Viamari).

### **Discussion**

The project will impact necessary wildlife habitat; however, the impact is being mitigated. The Agency of Natural Resources has not objected to the mitigation proposed by GMP.

### **Development Affecting Public Investments**

[10 V.S.A. § 6086(a)(9)(K)]

40. The project will not unnecessarily or unreasonably endanger the public or quasi-public investment in the facilities listed in 10 V.S.A. § 6086 (a)(9)(K), or materially jeopardize or interfere with the function, efficiency, or safety of, or the public's use or enjoyment of or access to such facilities. Kearney pf. at 11; Kearney supp. pf. at 3.

### **Least-Cost Integrated Resource Plan**

[30 V.S.A. § 248(b)(6)]

41. The project is consistent with GMP's 2003 Integrated Resource Plan. Due to the increase in pole height, reducing the risk of tree damage to the 3312 line, reliability will increase.

The environmental impact of the project will be limited. Kearney pf. at 11; Kearney supp. pf. at 3.

### **Compliance with Electric Energy Plan**

[30 V.S.A. § 248(b)(7)]

42. The project is consistent with the Vermont Electric Plan. Section 1-4 of the Plan provides that reliability is one of the goals and customers should experience minimal impairments in power quality. The reduced likelihood of storm damage from the increased pole heights being installed will further this goal. Kearney pf. at 11-12; Kearney supp. pf. at 3.

43. On May 7, 2008, the Department of Public Service issued a determination, pursuant to 30 V.S.A. § 202(f), that the project is consistent with the Vermont Electric Plan.

### **Outstanding Resource Waters**

[30 V.S.A. § 248(b)(8)]

44. The project is not located near any outstanding resource waters. Kearney pf. at 6; Kearney supp. pf. at 3; LeFavour pf. at 2; Lefavour supp. pf. at 2.

### **Existing or Planned Transmission Facilities**

[30 V.S.A. § 248(b)(10)]

45. The project is a relocation of an existing transmission line and will not have an adverse impact on Vermont utilities or customers. Kearney pf. at 12; Kearney supp. pf. at 3.

## **IV. CONCLUSION**

Based upon all of the above evidence, I conclude that the project will promote the general good of the state, and a certificate of public good should be issued for the project. The parties have waived the opportunity to comment on this Proposal for Decision if the Proposal is substantially consistent with the Stipulation.<sup>2</sup> The Proposal for Decision is substantially consistent with the Stipulation, and, accordingly, has not been circulated to the parties pursuant to 3 V.S.A. § 811.

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2. Stipulation at 3.

Dated at Montpelier, Vermont, this 9<sup>th</sup> day of June, 2008.

s/Ed McNamara  
Edward McNamara, Esq.  
Hearing Officer

**V. ORDER**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. The Hearing Officer's findings and conclusions are adopted.
2. The proposed relocation of GMP's 34.5 kV transmission line in Moretown, Vermont, in accordance with the evidence and plans presented in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S.A. Section 248, and a certificate of public good shall be issued in the matter.
3. GMP shall colocate the existing distribution line on to the poles for the westerly portion of the relocated transmission line.

Dated at Montpelier, Vermont this 10<sup>th</sup> day of June, 2008.

<u>s/Jim Volz</u>	)	
	)	
	)	
<u>s/David C. Coen</u>	)	
	)	
	)	
<u>s/John D. Burke</u>	)	

PUBLIC SERVICE  
BOARD  
OF VERMONT

OFFICE OF THE CLERK

FILED: June 10, 2008

ATTEST: s/Susan M. Hudson  
Clerk of the Board

*Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)*

*Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.*